

Remarks

Claims 1-5 and 12 were acted upon in the aforementioned Office Action. No claim has been canceled and no claim has been added, leaving claims 1-5 and 12 for further considerations.

Claims 1-4 stand rejected under 35 U.S.C. 103 (a) as unpatentable over U.S. Patent 5,383,892 - Cardon in view of U.S. Patent 5,755,778 - Kleshinski.

Claim 1 has been amended such that the apparatus includes:

"a distal end section comprising a distal end collar having a fixed length in a direction parallel to the longitudinal axis and having a fixed diameter..." and "a proximal end section comprising a proximal end collar having a fixed length...and having a fixed diameter..."

The Cardon device includes axially rigid cylindrical parts at its two ends, the axially rigid cylindrical parts being "capable of expanding radially in elastic manner" (column 1, lines 40-46). It is said that the outward opening of the ends cause the ends to sink into the wall of the parts of the body where the stint is implanted (column 2, lines 60-65). It is further said in Cardon that the rigid parts of the stint can be expanded in situ by a balloon (column 4, lines 44-48).

Kleshinski is also provided with tubular end collars (14,16) which are said to be formed of "expandable material" (column 3, lines 5 and 6). Further in column 3, lines 49-58, it is noted that the collars 14,16 may be

formed of expandable but flexible plastic, spring metal, or of material which is expanded by an internal balloon, or of a shape memory metal.

It therefore appears that neither Cardon nor Kleshinski suggests distal and proximal end sections having fixed lengths and diameters.

While Cardon and Kleshinski depend upon diameter expansion to secure the device in place, the apparatus defined by claim 1 depends upon the reconfiguring of the total device, such that the two ends are drawn closer together, such that the barbs effect the securement of the device, as well as the reconfiguration of the coronary sinus.

Accordingly, it appears that amended claim 1 stands well clear of the teachings of Cardon and Kleshinski and should be deemed allowable thereover.

Claims 2-4 depend from claim 1 and would appear to be allowable at least through dependency. Claim 4 is, in addition, limited to an intermediate collar section disposed between two spring segments and which is of fixed length and fixed diameter.

Claim 5 has been rejected under 35 U.S.C. 103 (a) as unpatentable over Cardon in view of Kleshinski and Solem.

Claim 5 depends from claim 4, which depends from claim 1 and therefore includes the above discussed newly added limitations. Solem appears to lack the claimed distal and proximal end collars and would therefore appear not to render obvious claim 5.

Claim 12 has been amended in much the same fashion as claim 1 and is believed to distinguish from the cited art in the same respects as mentioned above relative to claims 1 and 5.

It therefore appears that claims 1-5 and 12 are now in condition for allowance, which is most respectfully requested.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,


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